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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48773]

DRAWBACK MERCHANDISE—EXTENSION OF PERIOD FOR EXPORTATION

FURTHER EXTENSIONS OF 3-YEAR PERIOD PRESCRIBED IN SECTION 313 (H), TARIFF ACT OF 1930

JANUARY 19, 1937.

To Collectors of Customs and Others Concerned:

Acting under the authority vested in him by section 318 of the Tariff Act of 1930, 46 Stat. 696 (U. S. C., title 19, sec. 1318), the President, on December 29, 1936, issued a proclamation¹ declaring an emergency to exist and authorizing the Secretary of the Treasury—

(1) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive), to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in section 313 (h), Tariff Act of 1930, 46 Stat. 694 (U. S. C. title 19, sec. 1313 (h)), as extended for 2 years under the authority of a proclamation dated December 23, 1932 (T. D. 46089), and further extended for 1 year under the authority of a proclamation dated April 1, 1935 (T. D. 47662), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159);

(2) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between April 1 and December 31, 1931 (both dates inclusive), to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h), as extended for 1 year under the authority of a proclamation dated December 30, 1933 (T. D. 46823), and further extended for 1 year under the authority of a proclamation dated April 1, 1935 (T. D. 47662), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159);

(3) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between April 1 and December 31, 1932 (both dates inclusive), to extend the period for exportation of the completed article, or shipment

thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h), as extended for 1 year under the authority of a proclamation dated April 1, 1935 (T. D. 47662), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159);

(4) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between January 18 and December 31, 1933 (both dates inclusive), to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h), as extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159); and

(5) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1934, to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h).

Pursuant to the authority conferred upon me by the President's proclamation of December 29, 1936, the period prescribed in section 313 (h) of the Tariff Act of 1930 for the exportation, or shipment to the Philippine Islands, of articles manufactured or produced in the United States with the use of imported or substituted merchandise is hereby extended for a further period of 1 year in cases where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive), and between April 1 and December 31, 1931 (both dates inclusive), and between April 1 and December 31, 1932 (both dates inclusive), and between January 18 and December 31, 1933 (both dates inclusive), and in cases where the imported merchandise involved was imported during the calendar year 1934.

Under this extension, collectors of customs are hereby authorized to allow the following periods for exportation of the completed article or shipment thereof to the Philippine Islands: (1) not exceeding 8 years after importation in cases where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive); (2) not exceeding 7 years after importation in cases where the imported merchandise involved was imported between April 1 and December 31, 1931 (both dates inclusive); (3) not exceeding 6 years after importation in cases where the imported merchandise involved was imported between April 1 and December 31, 1932 (both dates inclusive); (4) not exceeding 5 years after importation in cases where the imported merchandise involved was imported between January 18 and December 31, 1933 (both

¹ 2 F. R. 2.



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dates inclusive); and (5) not exceeding 4 years after importation in cases where the imported merchandise involved was imported during the calendar year 1934.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[T. D. 48774]

BONDED WOOL AND CAMEL HAIR

FURTHER EXTENSIONS OF 3-YEAR PERIOD PRESCRIBED IN PARAGRAPHS 1101, TARIFF ACTS OF 1922 AND 1930

JANUARY 19, 1937.

To Collectors of Customs and Others Concerned:

Acting under the authority vested in him by section 318 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1318), the President, on December 30, 1936, issued a proclamation¹ declaring an emergency to exist and authorizing the Secretary of the Treasury—

(1) in the case of wools imported or withdrawn from warehouse under bond between January 18 and June 17, 1930 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1922 (42 Stat. 904), and wools or camel hair imported or withdrawn from warehouse under bond during the year 1930 under paragraph 1101 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1001, par. 1101), to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraphs as extended for 2 years under the authority of a proclamation dated December 23, 1932 (T. D. 46089), and further extended for 1 year under the authority of a proclamation dated January 7, 1935 (T. D. 47519), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148);

(2) in the case of wools or camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1931 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph as extended for 1 year under the authority of a proclamation dated December 30, 1933 (T. D. 46823), and further extended for 1 year under the authority of a proclamation dated January 7, 1935 (T. D. 47519), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148);

(3) in the case of wools or camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1932 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph as extended for 1 year under the authority of a proclamation dated January 7, 1935 (T. D. 47519), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148);

(4) in the case of wools or camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1933 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph as extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148); and

(5) in the case of wools or camel hair imported or withdrawn from warehouse under bond during the calendar year 1934, under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph; all subject to the following conditions:

"Provided, however, That in each and every case the Secretary of the Treasury shall require that the principal on the bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the bond was given the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

Pursuant to the authority conferred upon me by the President's proclamation of December 30, 1936, the period during which proof of use in manufacture may be furnished is hereby extended for a further period of 1 year in the case of wools and camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1930 (both dates inclusive), and between January 18 and December 31, 1931 (both dates inclusive), and between January 18 and December 31, 1932 (both dates inclusive), and between January 18 and December 31, 1933 (both dates inclusive), and in the case of wools and camel hair imported or withdrawn from warehouse under bond during the calendar year 1934; and collectors of customs are hereby authorized to permit such proof of use to be furnished (1) within 8 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1930 (both dates inclusive), (2) within 7 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1931 (both dates inclusive), (3) within 6 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1932 (both dates inclusive), (4) within 5 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1933 (both dates inclusive), and (5) within 4 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse during the calendar year 1934, provided that in each case the principal on the bond shall either furnish the agreement of the sureties on the bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 37-267; Filed, January 26, 1937; 12:33 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

ECR-B-101-Delaware

East Central Division, JANUARY 21, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—DELAWARE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Delaware and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased de-

pending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

Part I. Rates and Conditions of Payment

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Delaware, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. Payment for Diversion from the General Soil-Depleting Base.—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 2. Allowance for Soil-Building Practices.—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00.

A farm shall be eligible to earn a diversion payment if crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home-consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—\$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—\$1.00 for each acre of cropland.

(b) *Commercial Orchards.*—\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables (excluding sweet corn for canning and peas for canning).*—\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for each county or other area by the Agricultural Adjustment Administration.

SECTION 3. Payment for Soil-Building Practices.—Payment will be made, within the limit of the soil-building allowance, determined for the farm in accordance with section 2 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein; upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other mate-

rials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa, \$2.50.

(2) Red clover; mammoth clover; sericea; or bluegrass; or any mixture containing 50 percent of more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): \$2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): \$1.50.

(4) White clover; bur clover; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or disking under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:¹ \$2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, or cowpeas not grazed or pastured and not harvested for grain when all of the forage is left on the land;¹ lespedeza not grazed or pastured, when all of the forage is left on the land: \$1.00.

(3) Soybeans, cowpeas, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of \$7.50 per acre when planted on cropland or at the rate of \$5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of \$2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent², on cropland or non-crop pasture

¹ If the soybeans or cowpeas are interplanted or grown in combination with a soil-depleting row crop only one-half of the acreage shall be counted for this practice.

² Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 3 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 3.

Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of \$3.00 per ton.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 20 percent superphosphate, or its equivalent³ on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 3, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 3. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 75 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass, listed in subsection (a) of this section 3, seeded in connection with a soil-depleting crop, at the rate of 37½ cents per 100 pounds.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,⁴ on land on which 20 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of \$1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of \$0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

SECTION 4. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from the general soil-depleting base in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 5. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of general soil-depleting crops on the farm is in excess of the general soil-depleting base, deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 6. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative ex-

³ Equivalent quantities of other materials may be substituted for 20 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 20 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than twice the quantity of 20 percent superphosphate.

⁴ Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

penses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 7. Applicability to Farms Under Special Programs.—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 8. Payments Restricted to Effectuation of Purposes.—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

Part II. Classification of Crops

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. Soil-Depleting Crops.—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

- (a) Corn (field, sweet, and popcorn).
- (b) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
- (c) Sorghum, when harvested.
- (d) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
- (e) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
- (f) Summer legumes: Soybeans, field peas, and cowpeas; harvested for grain, hay, except that, for 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drouth in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.
- (g) Bulbs and flowers.

SECTION 2. Soil-Conserving Crops.—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

- (a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; and sericea.
- (b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza.
- (c) Summer legumes: Soybeans, field peas, and cowpeas, when not harvested for grain, hay, or forage.
- (d) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
- (e) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, and mixtures of these.
- (f) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(g) Forest trees, planted on cropland since January 1, 1934.

(h) Sweet sorghum, not harvested.

SECTION 3. Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting; and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(b) Acreage of legumes classified as soil-conserving (including summer legumes not harvested for grain, hay or forage) or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(c) Acreage of the crops listed in subsection (b) of section 3 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. Neutral Uses.—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

- (a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.
- (b) Idle cropland.
- (c) Cultivated fallow land.
- (d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
- (e) Woodland, other than cropland planted to forest trees since January 1, 1934.

Part III. Establishment of Bases

The County Committee will recommend for approval by the Secretary a general soil-depleting base and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. Farms for Which a General Soil-Depleting Base Was Established Under the 1936 Program.—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying rates of payment per acre, shall be used as a basis for determining the general soil-depleting bases and rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. Farms for Which a General Soil-Depleting Base Was Not Established Under the 1936 Program.—A general soil-depleting base may be established for any farm for which a base was not established under the 1936 Agricultural Conservation Program if soil-depleting crops were produced thereon in 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936 subject to adjustment as provided in section 3 of this Part III. The

rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. Adjustment in General Soil-Depleting Bases.—

(a) *Inequitable Bases.*—The general soil-depleting base and the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Change in Crop Classification.*—The acreage of small grains harvested for grain or hay, classified as soil conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

SECTION 4. Limits of Soil-Depleting Bases.—The general soil-depleting bases established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for the general soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The weighted average of the rate of payment per acre for diversion from the general soil-depleting base for all farms for which a soil-depleting base is established in any county or other specified area shall not exceed the rate per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. Soil-Conserving Base.—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting base and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

Part IV. Miscellaneous Provisions

SECTION 1. Land To Be Included Under Application.—An application may be submitted with respect to any farm or

with respect to any two or more farms operated by the same person.

SECTION 2. Application and Eligibility for Payment.—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, sharetenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which otherwise would be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. Membership in Association.—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. A person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. Division of Payments.—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to General Soil-Depleting Crops.*—The diversion payment will be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the general soil-depleting crops grown on the farm in 1937, or the proceeds thereof.

(b) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such producers have incurred the expense of carrying out such practice on the farm, the soil-building payment shall be divided among such producers in the proportion that such producers are entitled under the terms of their lease or operating agreement to share in the soil-depleting crops grown on the farm in 1937, or the proceeds thereof.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for ad-

vances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(d) *Division of Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—(1) If the 1937 acreage of the crop(s) in the general soil-depleting base is zero or, because of partial crop failure, is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the payments which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the soil-depleting crop intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from the general soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the payments to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in the general soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or share-tenant is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of crop(s) in the general soil-depleting base on any such farm has been increased to such an extent as to tend to defeat the purposes of the Agricultural Conservation Program.

Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East

Central Region, the following terms shall have the following meanings:

Secretary means the Secretary of Agriculture of the United States.

East Central Region means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

East Central Division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

State Committee, State Agricultural Conservation Committee, or State Office means the group of persons designated for Delaware to assist in the administration of the 1937 Agricultural Conservation Program in the State.

County Committee, County Agricultural Conservation Committee, or County Office means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and, whenever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

Operator means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

Owner means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

Share-tenant means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

Producer means an owner, and also means a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

Cropland means all farm land which is tilable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

General soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of soil-depleting crops.

Soil-conserving base means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

Minimum acreage of soil-conserving crops means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base.

Soil-building payment means a payment for the carrying out of any approved soil-building practice.

Soil-building allowance means the largest amount for any farm that may be obtained as a soil-building payment.

Farm means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

Commercial orchard means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

Commercial vegetables means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

Animal Unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-233; Filed, January 25, 1937; 11:28 a. m.]

ECR—B-101—Kentucky East Central Division, January 21, 1937
1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—KENTUCKY

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Kentucky and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

Part I. Rates and Conditions of Payment

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Kentucky in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. Payment for Diversion from Cotton and Tobacco Soil-Depleting Bases.—For each acre diverted from any cotton or tobacco soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco: Burley.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Tobacco: Fire-cured and dark air-cured.*—3½ cents per pound of the base yield per acre of such tobacco for the

farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.

SECTION 2. Payment for Diversion from the General Soil-Depleting Base.—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. Allowance for Soil-Building Practices.—The soil-building allowance for the farm in the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton or tobacco soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton or tobacco soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though feed and food crops normally are grown in excess of home-consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—\$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland or \$1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. Payment for Soil-Building Practices.—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: \$2.50.

(2) Red clover: mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): \$2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; reed canary grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): \$1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or disking under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that, as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under¹: \$2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, buckwheat, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or rape, plowed or disced under; soybeans, velvet beans, cowpeas, not grazed or pastured and not harvested for grain when all of the forage is left on the land¹; lespedeza not grazed or pastured when all of the forage is left on the land: \$1.00.

(3) Soybeans, cowpeas, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of \$7.50 per acre when planted on cropland, or at the rate of \$5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of \$2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pound per acre of ground limestone, or its equivalent,² on cropland or non-crop pas-

¹If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

²Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, 50 pounds of burned lime, or 150 pounds of marl, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

ture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of \$2.50 per ton in Knott, Leslie, Letcher, Perry, and Pike Counties; at the rate of \$2.00 per ton in Bell, Breathitt, Clay, Floyd, Harlan, Johnson, Knox, Magoffin, Martin and Whitley Counties; and at the rate of \$1.50 per ton in all other counties.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 20 percent superphosphate, or its equivalent³ on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 75 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass, listed in subsection (a) of this section 4, seeded in connection with a soil-depleting crop, at the rate of 37½ cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 75 cents for each 20 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; *provided*, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton or tobacco in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in ex-

³Equivalent quantities of other materials may be substituted for 20 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 20 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than twice the quantity of 20 percent superphosphate.

cess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 8. Applicability to Farms Under Special Programs.—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. Payments Restricted to Effectuation of Purposes.—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

Part II. Classification of Crops

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. Soil-Depleting Crops.—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

- (a) Corn (field, sweet, and popcorn).
- (b) Cotton.
- (c) Tobacco.
- (d) Peanuts harvested for nuts.
- (e) Broom corn.
- (f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweetpotatoes.
- (g) Sorghum, when harvested.
- (h) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
- (i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
- (j) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas; harvested for grain, hay or forage, except that, for 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drought or other unfavorable weather conditions in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.
- (k) Bulbs and flowers.
- (l) Hemp.

SECTION 2. Soil-Conserving Crops.—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the Fall) shall be considered as soil-conserv-

ing. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas, when not harvested for grain, hay or forage.

(d) Peanuts, when pastured.

(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, reed canary grass, and mixtures of these.

(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(h) Forest trees, planted on cropland since January 1, 1934.

(i) Sweet sorghums, not harvested.

SECTION 3. Soil-Conserving Crops Grown on Land Used for the Production of a Soil Depleting Crop.—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(b) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(c) Acreage of the crops listed in subsection (b) of section 4 of part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. Neutral Uses.—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

Part III. Establishment of Bases

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, and soil-conserving crops, respectively, on such farm. The County Committee also will

recommend for each farm a base yield per acre for cotton and tobacco, and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or

(2) If the entire base cotton acreage for the farm was retired in 1936 under a cotton acreage reduction contract, or

(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *General Soil-Depleting Base and Rate per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton or tobacco were produced thereon in the years 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. Adjustment in Soil-Depleting Bases.—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration, or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by

the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SECTION 4. Limits of Soil-Depleting Bases.—The general soil-depleting bases, the cotton soil-depleting bases, and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton or tobacco soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases or base acreages previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton and tobacco for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. Soil-Conserving Base.—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

Part IV. Miscellaneous Provisions

SECTION 1. Land To Be Included Under Application.—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. Application and Eligibility for Payment.—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. Membership in Association.—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. Division of Payments.—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton.*

(1) 37½ percent to the producer who furnished the land.

(2) 12½ percent to the producer who furnished the work stock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton crop grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment with Respect to Tobacco and General Soil-Depleting Crops.*

(1) 15 percent to the producer who furnished the land.

(2) 15 percent to the producer who furnished the work stock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who

rents the land to the producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers. The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. Changes in Leasing or Cropping Agreement and Other Devices.—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. Multiple Farm Holdings.—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can

be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

Secretary means the Secretary of Agriculture of the United States.

East Central Region means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

East Central Division means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

State Committee, State Agricultural Conservation Committee, or State Office means the group of persons designated for Kentucky to assist in the administration of the 1937 Agricultural Conservation Program in the State.

County Committee, County Agricultural Conservation Committee, or County Office means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

Operator means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

Owner means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

Share-tenant means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof.

Producer means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937, or the proceeds thereof.

Cropland means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Cotton soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of cotton.

Tobacco soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of tobacco.

General soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton and tobacco.

Soil-conserving base means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

Minimum acreage of soil-conserving crops means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base.

Soil-building payment means a payment for the carrying-out of any approved soil-building practice.

Soil-building allowance means the largest amount for any farm that may be obtained as a soil-building payment.

Farm means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

Commercial orchard means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

Commercial vegetables means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

Animal Unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-234; Filed, January 25, 1937; 11:29 a. m.]

ECR—B-101—Maryland East Central Division, January 21, 1937 1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—MARYLAND

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Maryland and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

Part 1. Rates and Conditions of Payment

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Maryland, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. Payment for Diversion from the Tobacco Soil-Depleting Base.—For each acre diverted from the tobacco soil-depleting base for the farm, payment will be made at the rate of 5 cents per pound of the base yield per acre of tobacco for the farm, for each acre diverted not in excess of 25 percent of the tobacco soil-depleting base.

SECTION 2. Payment for Diversion from the General Soil-Depleting Base.—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *Provided*, That payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. Allowance for Soil-Building Practices.—The soil-building allowances for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *Provided*, That in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00.

A farm shall be eligible to earn a diversion payment if such farm has a tobacco soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no tobacco soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and food crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—\$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—\$1.00 for each acre of cropland.

(b) *Commercial Orchards.*—\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables (excluding sweet corn for canning and peas for canning).*—\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other areas, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. Payment for Soil-Building Practices.—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agri-

cultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: \$2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): \$2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): \$1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land, as specified below, certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under: ¹ \$2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, buckwheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, or cowpeas, not grazed or pastured, and not harvested for grain, when all of the forage is left on the land; ¹ lespedeza not grazed or pastured when all of the forage is left on the land: \$1.00.

(3) Soybeans, cowpeas, velvet beans, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of \$7.50 per acre when planted on cropland or at the rate of \$5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of \$2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground

¹ If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop only one-half the acreage shall be counted for this practice.

limestone, or its equivalent,² on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of \$2.50 per ton in Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington Counties and at the rate of \$3.00 per ton in all other counties.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,³ on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 300 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,⁴ on land on which 16 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of \$1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of \$0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of tobacco or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of tobacco in excess of the tobacco soil-depleting base, a deduction at the rate of payment for diversion from the tobacco soil-depleting base.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate

² Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

³ Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

⁴ Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

Part II. Classification of Crops

Farmland, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).

(b) Tobacco.

(c) Broom corn.

(d) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(e) Sorghum, when harvested.

(f) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(g) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.

(h) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas; harvested for grain, hay or forage, except for the year 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drouth in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.

(i) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted

as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas when not harvested for grain, hay or forage.

(d) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(e) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard-grass, Bermuda, carpet grass, and mixtures of these.

(f) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(g) Forest trees, planted on cropland since January 1, 1934.

(h) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(b) Acreage of legumes classified as soil-conserving (including summer legumes not harvested for grain, hay or forage) or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(c) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

Part III. Establishment of Bases

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a tobacco soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, tobacco, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for tobacco and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural

Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms For Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided in section 3 of this Part III, be determined as follows:

(a) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the acreage grown and yield obtained on the farm in the year 1936 or if no tobacco was grown on the farm in 1936, upon the basis of the acreage grown and yield obtained in the year 1935.

(b) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than tobacco were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions; are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of tobacco, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or

other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of tobacco for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. Soil-Conserving Base.—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of natural cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area, by the Agricultural Adjustment Administration.

Part IV. Miscellaneous Provisions

SECTION 1. Land To Be Included Under Application.—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. Application and Eligibility for Payment.—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. Membership in Association.—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agri-

cultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. Division of Payments.—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*—The diversion payment will be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the county committee determines that two or more such producers have incurred the expense of carrying out such practice on the farm, the soil-building payment shall be divided among such producers in the proportion that such producers are entitled under the terms of their lease or operating agreement to share in the soil-depleting crops grown on the farm in 1937, or the proceeds thereof.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(d) *Division of Payments Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the payments to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the soil-depleting crop intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the payments to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. Changes in Leasing or Cropping Agreement and Other Devices.—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. Multiple Farm Holdings.—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

Secretary means the Secretary of Agriculture of the United States.

East Central Region means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

East Central Division means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

State Committee, State Agricultural Conservation Committee, or State Office means the group of persons designated for Maryland to assist in the administration of the 1937 Agricultural Conservation Program in the State.

County Committee, County Agricultural Conservation Committee, or County Office means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivisions of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

Operator means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

Owner means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

Share-tenant means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

Producer means an owner, an operator, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

Cropland means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Tobacco soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of tobacco.

General soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than tobacco.

Soil-conserving base means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

Minimum acreage of soil-conserving crops means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base.

Soil-building payment means a payment for the carrying out of any approved soil-building practice.

Soil-building allowance means the largest amount for any farm that may be obtained as a soil-building payment.

Farm means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

Commercial orchard means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

Commercial vegetables means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

Animal Unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-235; Filed, January 25, 1937; 11:29 a. m.]

Bureau of Agricultural Economics.

AMENDMENT NO. 2 TO SERVICE AND REGULATORY ANNOUNCEMENTS No. 131

By virtue of the authority vested in the Secretary of Agriculture by provision of the Act of Congress entitled "An Act making appropriations for the Department of Agriculture and the Farm Credit Administration for the fiscal year end-

ing June 30, 1937" approved June 4, 1936, authorizing the investigation and certification of the class, quality, and condition of perishable farm products, I, H. A. Wallace, Secretary of Agriculture, do hereby issue the following amendment to S. R. A. 131 (AE) to be in force and effect immediately until amended or superseded by regulations issued in lieu thereof.

In Regulation 6, Section 3, line 10, after the word "packed" add the following:

Provided, however, That the plant number of the approved premises may be embossed on the immediate containers instead of being printed on the trade labels, if the embossing is approved by the Chief of the Bureau.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 26th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-255; Filed, January 26, 1937; 11:34 a. m.]

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[General Order No. 241]

NONIMMIGRANT BONDS

JANUARY 23, 1937.

By virtue of and pursuant to the authority conferred by Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, paragraph 5, Subdivision H. Rule 3 of the Immigration Rules of January 1, 1930, as amended, is amended to read as follows:

PAR. 5. The officers in charge of the several ports or districts are authorized either directly or through officers or employees designated by them to approve nonimmigrant bond forms 636, 637, and 638, formal agreements by which a surety consents to an extension of his liability on such bonds, or any power of attorney or assignment a surety executes authorizing the delivery to some other person or concern of United States bonds and/or notes deposited as collateral security with such immigration bonds after the collateral security is released. Bond forms 636, 637, and 638 and agreements of extension shall be retained at the ports or districts until the conditions thereof have been fulfilled, when they may be canceled by any officer or employee mentioned in this paragraph. If the conditions are violated, the bond and the extension agreements, if any, should be forwarded to the Central Office with an appropriate recommendation.

[SEAL]

EDW. J. SHAUGHNESSY,
*Acting Commissioner of
Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
Secretary.

[F. R. Doc. 37-253; Filed, January 26, 1937; 11:01 a. m.]

[General Order No. 242]

REGISTRY OF ALIENS

JANUARY 23, 1937.

By virtue of and pursuant to the authority conferred by Section 1 (a) of the Act of March 2, 1929 (45 Stat. 1512; U. S. C., title 8, section 106a), Paragraph 3, Rule 27, of the Immigration Rules of January 1, 1930, as amended, is hereby amended to read as follows:

The entry upon which the application is based means the date the applicant first entered the United States, establishing a permanent residence therein, provided that subsequent to that date there has been no absence which would break the continuity of the applicant's residence in the United States, as defined in Par. 6 of this rule. Where it be found that the continuity of the alien's residence has been broken, the application will be based on the date the applicant reentered the United States after such an absence. Where the applicant claims to have entered in a

lawful manner at a regular port of entry it will be the duty of the examining officer promptly to attempt to verify such entry.

[SEAL]

EDW. J. SHAUGHNESSY,
Acting Commissioner.

Approved:

FRANCES PERKINS,
Secretary.

[F. R. Doc. 37-254; Filed, January 26, 1937; 11:01 a. m.]

FEDERAL HOME LOAN BANK BOARD.

Federal Savings and Loan Associations.

MEMBERSHIP CERTIFICATE FORM

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)) Exhibit M annexed to the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

EXHIBIT M

FORM OF CERTIFICATE OF MEMBERSHIP

This certifies that _____¹ is a member of the undersigned and holds a _____² share account of the undersigned, subject to Home Owners' Loan Act of 1933, the charter and bylaws of the undersigned.

Witness the authorized signature(s) of officer or employee this _____ day of _____, 19____.

_____ FEDERAL SAVINGS AND
LOAN ASSOCIATION _____

(Authorized Signature)

Adopted by the Federal Home Loan Bank Board on January 23, 1937.

[SEAL]

R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-252; Filed, January 26, 1937; 10:44 a. m.]

Home Owners' Loan Corporation.

[Manual Amendment]

CHARGE OFF OF RENTS

Be it resolved, That Section 1 f of Chapter V of the Regional Manual and of Chapter XIX of the State Manual be amended by adding at the end thereof the following two paragraphs:

"The Regional Manager shall have authority to authorize and direct the Regional Accountant to charge off rents payable to the Corporation from former tenants of properties or units 'available to yield income' and under the jurisdiction of the Property Management Division. This authority shall not extend to tenants in possession.

"The Regional Manager is authorized to direct the charging off of such rents whenever, in his opinion, the same are uncollectible or when it appears to his satisfaction that it would not be to the best interests of the Corporation to incur any further expense either by way of suit or otherwise in an effort to enforce or make collections."

Adopted by the Federal Home Loan Bank Board on January 22, 1937.

[SEAL]

R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-250; Filed, January 26, 1937; 10:44 a. m.]

¹ Certificates should be numbered consecutively by type or otherwise. See Section 7 of Charter (Exhibit K). An investment share account may be represented by a separate certificate not contained in a share account book. A savings share account shall be represented by a share account book in the front of which shall be a certificate. A borrower shall receive a loan account book in the front of which shall be a certificate. Section 8 of the bylaws requires each certificate of membership to be manually signed by an authorized person.

² Enter the name of the investor or borrower.

³ Enter "\$----- investment" or "savings" or "loan from." If the words "loan from" are entered, strike the words "share account of."

[Manual Amendment]

SEPARATION NOTICE TO EMPLOYEES

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128-129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Sections 15 and 9 of Chapter IX of the Regional Manual and of Chapter XIV of the State Manual be amended as follows:

Sub-Section E of Section 15 is revoked in its entirety;

Section 9 is hereby amended by the addition of the following at the end thereof:

"It is the policy of the Corporation to give to employees, where practicable, advance notice of proposed separation except to employees who are to be separated for cause due to their own misconduct; and the Director of Personnel, with the approval of the General Manager and the General Counsel, may issue instructions in such form as they may deem appropriate governing such advance notice."

Be it further resolved, That this resolution be effective ten days after its adoption, and where employees prior to the effective date hereof have received separation notice in accordance with the existing provisions of the State and Regional Manuals, such existing regulations shall apply with respect to the separation of such employees; and

Be it further resolved, That the provisions of this resolution shall apply to the employees in all of the offices of the Corporation.

Adopted by the Federal Home Loan Bank Board on January 25, 1937.

[SEAL]

R. L. NAGLE, *Secretary*.

[F. R. Doc. 37-251; Filed, January 26, 1937; 10:44 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2953]

IN THE MATTER OF BIOTONE LABORATORIES, INC., A CORPORATION, AND ROCKY MOUNTAIN LABORATORIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, February 3, 1937, at ten o'clock in the forenoon of that day, Mountain Standard Time, at room 220, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-272; Filed, January 26, 1937; 12:39 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2745]

IN THE MATTER OF KALO INOCULANT COMPANY, A CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, February 1, 1937, at ten o'clock in the forenoon of that day (central standard time), at the Chamber of Commerce, Quincy, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-270; Filed, January 26, 1937; 12:37 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2655]

IN THE MATTER OF KING TRADING CORPORATION, ROYAL RADIO COMPANY, INC., METRO MANUFACTURING COMPANY, INC., METRO RADIO CORPORATION, METRO SALES COMPANY, INC., PYRAMID DISTRIBUTORS, INC., AND MURRAY AUERBACH, REGINA GADOL, GEORGE LEVINE, A. M. FRANK, MAX SCAFFORD, DAVID MORRISON, INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID SEVERAL CORPORATIONS; AND HARVARD RADIO TUBE TESTING STATIONS OF PA., INC., AND JULIUS M. SCHOENBERG INDIVIDUALLY AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; ROSS DISTRIBUTING COMPANY AND LARRY B. ROSS INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; SUN RADIO AND SERVICE SUPPLY CORPORATION, AND EMANUEL ROSENSWEIG INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; SCHILLER BROTHERS, INC., AND LOUIS S. SCHILLER INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; PETER ROBBINS INDIVIDUALLY, AND TRADING UNDER THE NAME ROBBINS RADIO COMPANY AND AMBASSADOR RADIO COMPANY; R. C. SCRUGGS INDIVIDUALLY, AND TRADING UNDER THE NAME CALL RADIO COMPANY; AND METAL ETCHING CORPORATION AND M. HERMANN INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; ETCHED PRODUCTS CORPORATION AND ALBERT NIERENBERG, WALTER H. MILLER INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION; ELECTRO CHEMICAL & ENGRAVING COMPANY AND F. E. SWITZER, N. L. JACOBUS, ROBERT SCHLESINGER, JULIUS ERDOES, L. S. SOUTHWICK INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION; PREMIER METAL ETCHING COMPANY AND HERBERT PAPE,

CARL J. JOHNSON, ERNEST A. ROTTACH, HUGO LEHRFELD INDIVIDUALLY, AND AS OFFICERS, AGENTS, AND DIRECTORS OF SAID CORPORATION; CROWE NAMEPLATE AND MANUFACTURING COMPANY AND E. C. COOLIDGE, I. ROBINSON SMITH INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION; AMERICAN EMBLEM COMPANY AND PAUL B. WILLIAMS, CLARENCE S. C. WILLIAMS, JAMES EELS, FRED B. KING, EDGAR DENTON, JR., INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, February 1, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York City, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-268; Filed, January 26, 1937; 12:37 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3011]

IN THE MATTER OF MIDWEST STUDIOS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, February 8, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 526, Federal Building, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-273; Filed, January 26, 1937; 12:39 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2945]

IN THE MATTER OF PASCAL COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, February 16, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in room 801 Federal Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-271; Filed, January 26, 1937; 12:38 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2717]

IN THE MATTER OF SOFT-LITE LENS COMPANY, INC. A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, January 27, 1937, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-269; Filed, January 26, 1937; 12:37 p. m.]

INTERSTATE COMMERCE COMMISSION.

FREE OR REDUCED RATES

JANUARY 26, 1937.

The Commission has received numerous applications from common carriers of property by motor vehicle requesting

authority to transport property free or at reduced rates into areas affected by flood, for the purpose of relieving distress. Section 217 (b) of the Motor Carrier Act, 1935, makes the provisions of Section 22 (1) of Part I of the Interstate Commerce Act applicable to common carriers by motor vehicle. Section 22 (1) provides:

That nothing in this Act shall prevent the carriage, * * * or handling of property free or at reduced rates * * * for charitable purposes.

It has been held that free or reduced rates may be made under this Section without the filing of tariffs and without authority or permission other than that extended by this provision of law. Accordingly, all common carriers by motor vehicle may transport property in interstate commerce for charitable purposes free or at reduced rates into areas affected by flood without the filing of tariffs to cover. Care should be taken that shipments so transported are actually for charitable purposes, i. e., are food, clothing, medicines or other supplies for distribution to the needy.

[SEAL]

GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-257; Filed, January 26, 1937; 12:17 p. m.]

[Service Order No. 61]

EMERGENCY ROUTING OF FREIGHT TRAFFIC

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of January A. D. 1937.

The subject of routing of freight traffic being under consideration, and it appearing to the Commission that an emergency exists upon the lines of all carriers by railroad reaching the Ohio and Mississippi Rivers and tributaries which requires immediate action; that each of such carriers by reason of interruption of traffic by reason of flood conditions in the states bordering along such rivers are unable to transport the traffic over them so as to properly serve the public.

Therefore, in order to best promote the service in the interest of the public and the commerce of the people, *it is ordered and directed:*

1. That effective at once and until the further order of the Commission that all such common carriers by railroad operating within the affected territory, and common carriers by railroad connecting therewith, be, and they are hereby directed, to forward traffic having origin or destination in, or ordinarily moving through such territory via routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of the cars, and that all rules, regulations and practices of said carriers with respect to car service are hereby suspended and superseded in so far only as conflicting with the directions hereby made.

2. That in each instance where the traffic is routed or rerouted, by carriers by railroad under the authority of this order, the carriers responsible for such routing or rerouting, shall, within twenty-four hours thereafter, deposit in the United States mail, a notice addressed to the consignee of the traffic stating: the car numbers and initials, places and dates of shipment, the routing, and respective routes over which the traffic is moving, and that charges for the transportation of the traffic, including transportation and schedules of rates, fares, and charges, as those terms are defined in said Act, will be the same as they would have been if such routing, or rerouting had not taken place.

3. That in the case of shipments in private cars, which are subject to equalization of empty mileage, and also of fruits and vegetables, live poultry and other shipments customarily reconsigned upon instructions of the consignor, a telegraphic notice of the diversion shall be sent to the consignor by the carrier responsible therefor.

4. That in executing the directions of the Commission contained in this order, the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; that such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers, and that, upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by said Act.

5. That inasmuch as the necessity for such disregard of routing arises from circumstances beyond control of carriers, car hire payments covering both railroad and privately owned cars shall be made on the basis of the handling of cars as originally routed.

8. That copies of this order and the direction be served upon all common carriers by railroad subject to the Interstate Commerce Act, and that notice of this order be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 3.

[SEAL]

GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-258; Filed, January 26, 1937; 12:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

[File No. 2-1936]

IN THE MATTER OF TIME CONTROLLED INDICATORS, INC.

ORDER CONSENTING TO FILING OF AMENDMENTS AND DECLARING REGISTRATION STATEMENT AMENDED IN ACCORDANCE WITH REFUSAL ORDER

This matter coming on to be heard by the Commission upon the registration statement of Time Controlled Indicators, Inc., of Wilmington, Delaware, originally filed February 24, 1936, and upon the amendments of said registration statement of June 22, September 30, November 5 and December 31, 1936, and the Commission being now fully advised in the premises,

It is declared that the amendments filed June 22, September 30, November 5 and December 31, 1936, amend the statement in accordance with the order issued March 14, 1936, refusing to permit the registration statement to become effective, and

It is ordered that the Commission hereby gives its consent to the filing of such amendments as a part of said registration statement.

Said Registrant is hereby notified that the records of the Commission show January 19, 1937, as the Effective Date of said Registration Statement.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any

prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-259; Filed, January 26, 1937; 12:19 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN ET AL.-MCNABB FARM, FILED ON JANUARY 4, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,¹ which was last set to be heard at 2:30 o'clock in the afternoon on the 25th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:00 o'clock in the afternoon on the 10th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-265; Filed, January 26, 1936; 12:20 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE CRUDE OIL-MATTIE FORNEY FARM, FILED ON JANUARY 4, 1937, BY CRUDE OIL PRODUCERS, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,¹ which was last set to be heard at 2:00 o'clock in the afternoon on the 25th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon on the 10th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-263; Filed, January 26, 1937; 12:20 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

¹ 2 F. R. 85.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY LEASE, FILED ON JANUARY 4, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,¹ which was last set to be heard at 11:00 o'clock in the forenoon on the 25th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 10th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-262; Filed, January 26, 1937; 12:20 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MURPHY FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;²

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-260; Filed, January 26, 1937; 12:19 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-SLICK-GORDON FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as neces-

¹ 2 F. R. 86.

² 1 F. R. 2523.

sary, in accordance with the Suspension Order previously entered in this proceeding;¹

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-261; Filed, January 26, 1937; 12:19 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

¹ 1 F. R. 2524.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-BERNSTEIN-SELF FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;¹

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-264; Filed, January 26, 1937; 12:20 p. m.]

¹ 1 F. R. 2524.